



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

JUL 7 2003

Ms. Toi Phillips  
Production Manager  
Tempu Marketing, Inc.  
26 West 17<sup>th</sup> Street  
New York City, NY 10011

Ref. No. 03-0052

This is in response to your letter dated February 18, 2003, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171- 180) to the transportation of combustible liquids. Specifically, you ask whether your material, which has a flash point of 45 °C (113 ° F) and packaged in inner receptacles between 0.0704 and 16 fluid ounces meets the combustible liquid exception criteria in § 173.150(f) for non-bulk packaging.

A flammable liquid with a flash point of 38 °C (100 °F) or higher that does not meet the definition of any other hazard class may be reclassified as a combustible liquid as provided by §173.150(f). This exception is for domestic transportation and does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable. A material that is reclassified as a combustible liquid and that is transported in a non-bulk packaging is not subject to the HMR unless it is a hazardous substance, a hazardous waste, or a marine pollutant. (A non-bulk packaging, as defined in § 171.8 of the HMR, is a packaging with a maximum capacity of 450L (119 gallons) or less.) You are correct that, provided the criteria in § 173.150(f) are met, you may ship your product with no special packagings, markings, or documentation. If your product is a combustible liquid that is also a hazardous substance, a hazardous waste, or a marine pollutant, it is subject the requirements outlined in § 173.150(f)(3)(i) through (vii). In either case, the exception provided in § 173.150(f) requires no special approval or written authorization.

I hope this information is helpful. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Susan Gorsky  
Senior Regulations Specialist  
Office of Hazardous Materials Standards



030052

173.150(f)

18 February 2003

Helen Engrum  
U.S. Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Safety  
400 7<sup>th</sup> Street, S.W.  
Washington, DC 20590

Webb  
§ 173.150 (f)(1)  
Exceptions  
03-0052



Re: Exceptions for Class 3 (flammable) and combustible liquids

Dear Ms Engrum -

Thank you for taking the time to speak with me by telephone last Friday. Your information was helpful. I just wish to clarify a few points of our discussion.

In reference to an Isopropanol based Class 3 Flammable Liquid with a flash point of 45° C (113°F). Part 173.150(f)(1) says that if shipped by truck or rail in non-bulk quantities (my notations show you said 119 gallons or less) this material may be reclassified as a combustible liquid. Following that, Part 173.150(f)(2) says that Subchapter C Hazardous Materials Regulations do not apply to a material classed as a combustible liquid in non-bulk packaging.

For our purposes, I take this to mean that we may ship our material by truck or rail in an inner packaging of between .0704 fluid ounce and 16 fluid ounces in size with no special closures, cartons, markings, paperwork or documentation. Furthermore, we do not need any special approval from the D.O.T. to ship the material in this way. Is this correct?

I am also curious as to where your quantity of 119 gallons comes from, as I did not see it in the specific regulations referenced. What is the largest size inner packaging that may be reclassified a non-bulk combustible liquid? What is the largest overall package that may be reclassified a non-bulk combustible liquid? Where do I find this information in the regulations?

Your Clarification of these points would be appreciated.

Yours truly,

A handwritten signature in black ink, appearing to read "A7. Q" followed by a flourish.

Toi Phillips  
Production Manager